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**Criminal Justice & Corrections  
Committee**

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**HB 2412**

**Brief Description:** Changing the penalty provisions for violating the registration statute.

**Sponsors:** Representatives O'Brien, Rodne, Ericks, Lovick and Anderson.

**Brief Summary of Bill**

- Increases the penalty for failure to register as a sex offender.

**Hearing Date:** 1/13/06

**Staff:** Jim Morishima (786-7191).

**Background:**

Sex Offender Registration

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county where he or she resides within certain specified deadlines. The offender must notify the sheriff when he or she enrolls in a public or private school, enrolls in an institution of higher education, changes addresses or becomes homeless. The offender must also notify the county sheriff and the Washington State Patrol (WSP) if he or she changes his or her name.

A sex offender who knowingly fails to register or notify the county sheriff, or who changes his or her name without notifying the county sheriff or the WSP, is guilty of a crime. The offender is guilty of an "unranked" class C felony (zero-12 months in jail, a fine of up to \$10,000, or both) if the sex offense that caused the person to register was a felony. The person is guilty of a gross misdemeanor (zero-12 months in jail, a fine of up to \$5,000, or both) if the sex offense that caused the person to register was a misdemeanor or a gross misdemeanor. The crime is a "sex offense" for purpose of criminal sentencing.

Community Custody for Sex Offenses

"Community custody" refers to the portion of an offender's sentence spent in the community under the supervision of the Department of Corrections. When sentencing an offender for a sex offense, a court must sentence the offender to a term of community custody of 36-48 months if the offender's term of incarceration is over one year. If the offender's term of incarceration is one

year or less, the court may sentence the offender to a term of community custody of up to 12 months.

**Summary of Bill:**

The penalty for Failure to Register as a Sex Offender is increased. A mandatory term of community custody is imposed for a first-time offender, although the crime remains "unranked" for the first offense. A second conviction for the offense is "ranked" at seriousness level II, which would result in a mandatory prison term and another mandatory term of community custody.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.